

TFW

Docket: 2024730- 7036702001
(03-264)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Stephen C. Porter

Serial No.: 10/694,927

Filed: October 27, 2003

For: VASO-OCCLUSIVE DEVICES WITH
BIOACTIVE ELEMENTS

Group Art Unit: 3761

Confirmation No: 5083

Examiner: Not-Yet-Assigned

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office waiver of this requirement under 37 CFR § 1.98 (a)(2)(i) for patent applications filed after June 30, 2003.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

March 10, 2005
Date of deposit
PA/52153/52.1

Maritza D. Kidd

Name of Person transmitting Paper

Signature of Person depositing Paper

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☒ Items 16, 21- 25 contained in this IDS were first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.


☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

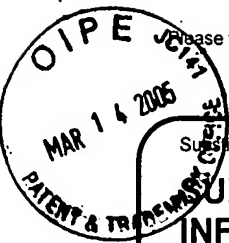
- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. **50-2518** for the above fee(s).
- ☐ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: 3-10-05

By: 
David T. Burse
Reg. No. 37,104

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PTO/SB/08A (08-00)
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Substitute for form 1449A/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
Sheet	1	of	2	Application Number	10/694,927
				Filing Date	October 27, 2003
				First Named Inventor	Stephen C. Porter
				Group Art Unit	3738
				Examiner Name	Not-yet-Assigned
				Attorney Docket Number	30-7036702001 (03-264)

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1.	3,174,851		Buchler et al	03-23-1965	
	2.	3,351,463		Rozner et al	11-07-1967	
	3.	3,753,700		Harrison et al	10-21-1973	
	4.	4,994,069		Ritchard et al	02-19-1991	
	5.	5,234,437		Sepetka	08-10-1993	
	6.	5,250,071		Palermo	10-05-1933	
	7.	5,261,916		Engelson	11-16-1993	
	8.	5,290,552		Sierra et al	03-01-1994	
	9.	5,304,195		Twyford, Jr. et al	04-19-1994	
	10.	5,312,415		Palermo	05-17-1994	
	11.	5,350,397		Palermo et al	09-27-1994	
	12.	5,423,829		Pham	06-13-1995	
	13.	5,690,666		Berenstein et al	11-25-1997	
	14.	5,826,587		Berenstein et al	10-27-1998	
	15.	5,984,929		Bashiri et al	11-16-1998	
	16.	6,004,338		Ken et al	12-21-1999	
	17.	6,013,084		Ken et al	01-11-2000	
	18.	6,165,178		Bashiri et al	12-26-2000	
	19.	6,168,788		Wortham	01-02-2001	
	20.	6,322,576		Wallace et al	11-27-2001	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₈
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	21.	WO	2002/089865		Concentric Medical	11-14-2002		
	22.	WO	2002/096272		Scimed Life Systems, Inc.	12-05-2002		
	23.	WO	2003/015640		Scimed Life Systems, Inc.	02-27-2003		

Examiner Signature	Date Considered
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¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Group Art Unit	3738
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Sheet 2 of 2	Attorney Docket Number	30-7036702001 (03-264)	

OTHER DOCUMENTS -- NON PATENT LITERATURE			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	24.	PCT International Search Report for PCT/US2004/033329, Applicant: Scimed Life Systems, Inc., Forms PCT/ISA/210 and 220, dated February 23, 2005 (8 pages)	
	25.	PCT Written Opinion of the International Search Authority for PCT/US2004/033329, Applicant: Scimed Life Systems, Inc., Form PCT/ISA/237, dated February 23, 2005 (6 pages)	

Examiner Signature		Date Considered	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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